

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 25, 2004

DIVISION TWO

Court convened at 9:30 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

B173692 People
v.
Lopez

Merits:

Argued by Jonathan J. Kline, Deputy Attorney General for respondent and by Carol K. Lysaght for appellant. Cause submitted.

Court adjourned.

DIVISION THREE

B169143 People (Not for Publication)
v.
Joseph Williams

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B177582 Los Angeles County, D.C.S. (Not for Publication)
v.
Department of Children and Family Services

The writ petition is denied.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B171426 People (Not for Publication)
v.
Samuel Mendoza

The judgment is reversed. The case is remanded to the trial court for further proceedings in accordance with this opinion.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B169468 Sagi Plumbing (Certified for Publication)
v.
Chartered Construction Corporation

The judgment (order of dismissal) is affirmed.

Hastings, J.

I concur: Curry, J.
I dissent: Epstein, P.J. (Opinion)

DIVISION FOUR

B176554 Tanya H. (Not for Publication)

v.
Superior Court, Los Angeles County
(DCFS, r.p.i.)

The petition is denied.

Hastings, J.

We concur: Epstein, P.J.
 Grimes, J. (Assigned)

B172600 People (Certified for Partial Publication)

v.
Winslow

The judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment to reflect \$200 as the amount of the restitution fine and the parole revocation fine.

Grimes, J. (Assigned)

We concur: Hastings, Acting P.J.
 Curry, J.

B172568 Lara (Certified for Publication)

v.
Nevitt

The judgment is affirmed.

Grimes, J. (Assigned)

We concur: Hastings, Acting P.J.
 Curry, J.

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed in all other respect. The trial court is directed to correct the abstract of judgment to reflect that appellant's sentence for second degree murder is stayed pursuant to section 654, and to forward the corrected abstract of judgment to the department of Corrections.

Curry, J.

We concur: Hastings, Acting P.J.
Grimes, J. (Assigned)

DIVISION SIX

B166937 People (Certified for Publication)
v.
Giles

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B169847 People (Not for Publication)
v.
Nunez

The judgment of the superior court is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B172987 Roth (Not for Publication)
v.
Western Mutual Insurance Company

The judgment of the superior court is reversed. The parties are to bear their own costs on appeal.

Zelon, J.

We concur: Johnson, Acting P.J.
Woods, J.

B165079 World News, Inc. (Not for Publication)
v.
Robles

The judgment is affirmed on the appeal of World News. The appeal is dismissed as to Grossman. The Stores are awarded their costs of appeal.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B168928 People (Not for Publication)
v.
Romano

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

DIVISION SEVEN (Continued)

[illegible]

That part of the order committing appellant to CYA is affirmed. The parts of the order stating appellant's maximum confinement time and awarding him predisposition credit is reversed and remanded to the juvenile court with directions to amend its disposition order to reflect a maximum confinement time of seven years and ten months and to correct the part of the order awarding 405 days of predisposition credit and award the 428 days credit agreed to by the parties or recalculate the credit based on its review of its records. The court is directed to notify CYA of its corrections.

Woods, J.

We concur: Johnson, Acting P.J.
Zelon, J.

B171311 People (Not for Publication)
v.
Gray

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B168184 Estrada (Not for Publication)
v.
County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
Johnson, J.

DIVISION SEVEN (Continued)

B167887 Allen (Not for Publication)
v.
Sedgwick, Detert, Moran & Arnold

The judgment is reversed and remanded to the superior court to set the case for trial. Each party to bear its own costs on appeal.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B167122	People v. Barnes	(Not for Publication)
B170671	In re Emon Barnes on Habeas Corpus	

The judgment is vacated and the cause is remanded to the trial court to determine after an evidentiary hearing whether one or more jurors declared their belief in defendant's guilt prior to the cause being submitted to them or whether one or more jurors declared their belief defendant must be guilty because he did not testify. If the trial court determines either or both statements were made the court shall grant defendant's motion for a new trial. If the court determines neither statement was made the court shall reinstate the judgment. This opinion shall be law of the case except as to the trial court's determination of juror misconduct as described above. Defendant shall have the right to be present at the evidentiary hearing. The petition for writ of habeas corpus is denied.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION SEVEN (Continued)

B166359 Delsol (Not for Publication)

V.
Layman

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

I concur: Perluss, P.J.
I concur: Johnson, J. (Opinion)

B167795 People (Not for Publication)

V.
Garcia

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

B168680 People (Not for Publication)

V.
Christophe

The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

October 25, 2004 (Continued)

DIVISION SEVEN (Continued)

B171108 People (Not for Publication)
v.
Rojas

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B168114 Marincovich (Not for Publication)
v.
Virginia Country Club

The appeal is dismissed. The parties are to bear his and its own costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B162161	People v. Mageno
B175742	In re Joseph Mageno on Habeas Corpus

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION EIGHT

B157835 Bingham et al.
 v.
 Cedars-Sinai Health Systems et al.

Filed order modifying opinion. (No change in the judgment) Plaintiffs and Appellants' petition for rehearing is denied. Defendants and Respondents' petition for rehearing is denied.